



October 2, 2023

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square Room 430
New York, NY 1000

Re: *Lynne Freeman v. Tracy Deebs-Elkenaney et. al.*, Case No. 22 Civ 2435 (LLS) (SN)

Dear Judge Netburn:

We represent the Plaintiff, Lynne Freeman, in the above captioned matter. We are writing to request an extension of Plaintiff's time file her motion for summary judgment and Daubert motions. The current schedule is as follows:

Summary Judgment Motions

- By Friday, October 20, 2023, Plaintiff shall file one motion for summary judgment against all Defendants. The brief in support of the motion shall not exceed 30 pages.
- By Wednesday, November 22, 2023, the Publishing Defendants and the Prospect Defendants shall each file a brief constituting their opposition to Plaintiff's motion and their affirmative motion for summary judgment. Each such brief shall not exceed 50 pages.
- By Friday, December 22, 2023, Plaintiff shall file one brief constituting her reply brief in further support of her motion against the Publishing Defendants and in opposition to these defendants' motion. Plaintiff shall file a second brief constituting her reply brief in further support of her motion against the Prospect Defendants and in opposition to these defendants' motion. Each brief shall not exceed 40 pages.
- By Friday, January 12, 2024, the Publishing Defendants and the Prospect Defendants shall each file a brief constituting their reply in further support of their motion. Each such brief shall not exceed 15 pages. Daubert Motions.

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Daubert Motions

- By Friday, October 20, 2023, Plaintiff shall file her Daubert motion. Her brief in support shall not exceed 20 pages.
- By Wednesday, November 22, 2023, all Defendants shall file their Daubert motion. Their brief in support of their motion and in opposition to Plaintiff's motion shall not exceed 40 pages.
- By Friday, December 22, 2023, Plaintiff shall file her brief in opposition to Defendants' Daubert motion. Her brief shall not exceed 20 pages.

As you know, Ms. Freeman is represented in this case by both Stephen Doniger and me. When the current briefing schedule was set, Mr. Doniger agreed to take the laboring oar on drafting the motions because I had a number of conflicts with other cases.

Due to Mr. Doniger being diagnosed with Covid last Friday and his current schedule, we require an extension. Mr. Doniger spent late August and early September preparing for a 5-day trial in a case in which he is lead trial counsel that was scheduled to be tried the first week of September, which at the last minute was continued to October 16. During September, he also defended three expert witnesses at their depositions in this case. Expert discovery in this case was completed on September 28, 2023. Based on questions opposing counsel asked our witnesses, we currently intend to make, at least, one Daubert motion against one of Defendants' experts.

Our motions are due in three weeks. As you are aware, this case is very document heavy, requires the comparison of voluminous books and manuscripts, involves expert testimony, and has many parties. With Mr. Doniger estimated to be out of the office with Covid, at least, one of those weeks, in trial another, and getting back up to speed for that trial in the week in between, he has very little time during the next three weeks to work on the briefs. I will shift things around as much as possible in my schedule to take a more active role in the brief, but really believe we need the time or Plaintiff will be extremely prejudiced.

We requested the 30-day extension from Defendants, but they were only willing to consent to an extension of 3-5 business days to make up for Mr. Doniger's illness, with them getting a corresponding extension. They refused to give us any additional time for Mr. Doniger's trial schedule.

Thus, we request that all the motion deadlines be moved by 30 days. Moreover, we have no objection to defendants being granted a corresponding extension for their opening briefs.

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We also realize that the 30 days allotted for Plaintiff to file (1) two combined briefs consisting of a reply to Plaintiff's motion for summary judgment and Plaintiff's opposition to the Wolff Defendants and the Prospect Defendants motions for summary judgment and (2) a brief in opposition to Defendants' Daubert motion does not give Defendants a sufficient amount of time to prepare three briefs consisting of 100 pages. Accordingly, plaintiff requests a total of 60 days to prepare and file those briefs. We also advised Defendants of the forgoing request, but they denied the request.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

Reeder McCreary, LLP



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cc: All counsel of record (via ECF)